

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**JESSIE J. BLANCHARD AND
VICKIE B. BLANCHARD**

CIVIL ACTION NO. 6:22-cv-5254

JUDGE

VERSUS

MAGISTRATE JUDGE

**THE TRAVELERS INDEMNITY
COMPANY, KEVIN RAY WORRELL &
CITY OF WILSON, NORTH CAROLINA**

NOTICE OF REMOVAL

THE TRAVELERS INDEMNITY COMPANY files this Notice of Removal of this cause from the 16th Judicial District Court, Parish of St. Mary, State of Louisiana, in which it is now pending, to the United States District Court for the Western District of Louisiana, Lafayette Division. This removal is predicated upon the fact that there is diversity of citizenship between the parties in this litigation and the amount in controversy exceeds the federal jurisdictional amount, exclusive of interest and costs.

1. This case was filed in the 16th Judicial District Court, Parish of St. Mary, State of Louisiana, with citation and plaintiff's petition for damages setting forth the claim for relief upon which this action is based. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit 1 is a complete copy of all process, pleadings and orders served on Defendant, The Travelers Indemnity Company.
2. This action is one of a civil nature for alleged personal injury.
3. Upon information and belief, plaintiffs are citizens of the State of Louisiana and domiciled in Assumption Parish, as alleged in the petition.

4. Defendant, Kevin Ray Worrell is a citizen of the State of North Carolina, and domiciled in the County of Wilson, with his primary residence declared to be 4572 Eatmon Road, Bailey, North Carolina 27807.
5. Defendant, City of Wilson, North Carolina is a public entity, domiciled in the State of North Carolina, County of Wilson, with its principal place of business located at 1800 Herring Avenue, Wilson, North Carolina 27893.
6. The Travelers Indemnity Company is a foreign corporation, incorporated in the State of Connecticut with its principal place of business located at One Tower Square, Hartford, Connecticut 06183, and is wholly owned by its parent corporation, The Travelers Companies, Inc. that is incorporated in Connecticut with its principal place of business located at, One Tower Square, Hartford, Connecticut 06183.
7. Upon information and belief, defendant The Travelers Indemnity Company was served through the Louisiana Secretary of State on August 16, 2022. Upon information and belief, defendant City of Wilson, North Carolina was served via Louisiana Long Arm Statute on August 23, 2022. Upon information and belief, service was forwarded to defendant Kevin Ray Worrell by certified mail via Louisiana Long Arm Statute on August 16, 2022 and received however the exact date is unknown. All served defendants consent to the removal of this matter.¹

¹ See *Consent to Removal and Confirmation of Foreign Citizenship* of the City of Wilson, North Carolina and Kevin Ray Worrell, marked and attached as Exhibit 2.

8. The above described action is one over which this court has original jurisdiction under the provisions of 28 U.S.C. 1332, in that plaintiff counsel has executed a stipulation that Plaintiffs' claims exceed \$75,000.²
9. In addition to the stipulation referenced above, the damages as alleged in the Petition meet the threshold for federal court jurisdiction. Plaintiffs' Petition for Damages alleges that both Jessie J. Blanchard and Vicky B. Blanchard sustained serious personal injuries for which they are required to seek medical treatment, which is ongoing.³ Further, plaintiffs allege that Jesse Blanchard has incurred approximately \$35,000 in medical costs to date and petitioner Vickie Blanchard has incurred approximately \$25,000 in medical costs to date.⁴ Petitioners allege that they have been advised by their treating physicians that their spinal injuries may require surgery if the epidural steroid injections and other conservative measures do not resolve their symptoms.⁵ Additionally petitioner Jesse Blanchard alleges that he has been advised that he will be required to undergo knee construction reconstruction as he allegedly sustained a torn ACL and other damage to his knee in this accident.⁶ Clearly, considering the medical expenses incurred thus far, and adding the general damages associated with the alleged spinal injuries and alleged torn ACL plus additional medical expenses associated with the ongoing treatment and possible surgeries (and one surgical recommendation), the amount in controversy is satisfied.

² See stipulation from plaintiff counsel dated September 14, 2022, marked and attached as Exhibit 3.

³ See Exhibit 1, Petition for Damages at paragraph 5.

⁴ Id.

⁵ Id.

⁶ Id.

10. Notice of this removal has been made to all adverse parties and to the 16th Judicial District Court for the Parish of St. Mary by the filing of a notice pursuant to 28 U.S.C. § 1446(d).

Respectfully submitted:

/s/ Gregory A. Grefer

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been this date been forwarded to all counsel of record in this proceeding via electronic mail, this 14th day of September, 2022.

/s/ Gregory A. Grefer

GREGORY A. GREFER